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**BROOKLYN DISTRICT ATTORNEY KENNETH P. THOMPSON ANNOUNCES
NEW POLICY FOR PROSECUTING LOW-LEVEL MARIJUANA POSSESSION ARRESTS**

*Focuses Limited Law Enforcement Resources On Most Serious Cases;
Keeps Offenders From ‘Going Through the System’
For Cases That Frequently, and Predictably, End In Dismissal*

Brooklyn District Attorney Kenneth P. Thompson today announced that, under most circumstances, his office will no longer prosecute first-time offenders arrested for low-level misdemeanor marijuana possession in an effort to make better use of limited law enforcement resources and to prevent offenders – who are disproportionately young men of color – from being saddled with a criminal record for a minor, non-violent offense.

“My office and the New York City Police Department have a shared mission to protect the public and we will continue to advance that goal. But as District Attorney, I have the additional duty to do justice, and not merely convict, and to reform and improve our criminal justice system in Brooklyn,” District Attorney Thompson said.

“This new policy is a reasonable response to the thousands of low-level marijuana arrests that weigh down the criminal justice system, require significant resources that could be redirected to more serious crimes and take an unnecessary toll on offenders. Pursuant to this policy, we will use our prosecutorial discretion to decline to prosecute, and dismiss upfront, certain low-level marijuana possession cases based on criteria concerning the particular individual and the circumstances of the case. For example, cases will be dismissed prior to arraignment for those with little or no criminal record, but we will continue to prosecute marijuana cases which most clearly raise public health and safety concerns.

“This policy does not express approval for the use of marijuana and should not be interpreted as such. The policy will not apply to those who smoke marijuana in public, or in the presence of children. It will not apply to 16 and 17-year-old offenders, who instead will be redirected on to a healthier path through a diversion program. It will not apply to those with a serious criminal history, to those who are known to act in a dangerous manner while under the influence, or to those who have a history of selling drugs to children,” District Attorney Thompson said.

“If the conduct in which the offender has engaged is the mere possession of a small amount of marijuana in public, it would not, under most circumstances, warrant saddling that offender with a new criminal conviction and all of its attendant collateral consequences related to employment, education and housing,” the District Attorney said.

“Furthermore, in 2013, this office processed well over 8,500 cases where the top charge was a class ‘B’ misdemeanor marijuana possession. More than two-thirds of those cases ended up being dismissed by judges, most often because the defendant was offered an adjournment in contemplation of dismissal at his or her criminal court arraignment. The processing of these cases exacts a cost on the criminal justice system and takes a toll on the individual. Given that these cases are ultimately -- and predictably -- dismissed, the burdens that they pose on the system and the individual are difficult to

justify. We are pouring money into an endeavor that produces no public safety benefit,” the District Attorney added.

Circumstances under which the Kings County District Attorney will decline to prosecute on a charge of Criminal Possession of Marihuana in the Fifth Degree (P.L. 221.10 [1] or [2], a class B misdemeanor, whether they come into the district attorney’s office as arrests or desk appearance tickets, include the following:

- If the defendant has no prior arrests or criminal convictions, or has only a very minimal criminal record, and has provided the police with a verifiable name and address.

Circumstances that are an exception to the KCDA policy change include the following:

- If the defendant is smoking marijuana in a public place, particularly around children, such as a park, playground, bus, subway or school yard.
- If the defendant is 16 or 17 years old, and has only recently taken up marijuana, he or she will be directed to an adolescent court part to be diverted into a program and provided with dismissals upon completing the program, at which time the police will be directed to destroy the defendant’s fingerprints.
- If the defendant has a criminal record supporting the inference that he or she may act in a violent or dangerous manner while under the influence of marijuana (e.g., domestic violence, vehicular traffic law violations, etc.).
- If the defendant has an open warrant, if DNA needs to be collected, if the defendant must register as a sex offender, or if the case involves a search warrant.